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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/901,277	07/09/2001	Osamu Nagata	SONYJP 3.0-798	7556

530 7590 03/14/2007
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

EXAMINER

PSITOS, ARISTOTELIS M

ART UNIT	PAPER NUMBER
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2627

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/14/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/901,277

Applicant(s)

NAGATA ET AL.

Examiner

Aristotelis M. Psitos

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,34 and 35 is/are pending in the application:
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,34 and 35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/29/06 has been entered.

Information Disclosure Statement

The IDS of 1/23/07 has been received and made of record.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1. Claims 1,34 and 35 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In particular:

I claim 1 has been amended to recite,

a) "... plurality of content programs ...", "... adjacent ones of the plurality of content program groups ...", " content program groups...".

II New claim 35 introduces " ... a third special code for partitioning a first one and last one of the range of program numbers.".

The examiner cannot readily map the above phraseology with the specification as originally filed. Appropriate response is respectfully required.

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Claim 34 depends from claim 1 and falls accordingly.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

2. Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter, which applicant(s) regard as their invention. Evidence that claim 1 fail(s) to correspond in scope with that which applicant(s) regard as the invention can be found in the reply filed on 8/12/02. In that paper, applicant elected the invention of Group I, i.e., a product, and this election indicates that the invention is different from what is defined in the claim(s) because as presented/amended, the ultimate wherein clause is drawn to desired results that occur from the existence of an "editing" operation, i.e., method limitation(s) and not necessarily drawn to just a product/nor to a product with respect to the "block movement" as originally found in this group of claims.

Furthermore as presented, the ultimate phrase of claim 1, starting at"....at least a portion of The second management information being changeable", is incomplete, i.e., this does not finish a thought. The ultimate phrase " ... associations between content programs and content program groups..", doesn't define or state what the associations are/is or what/how the relate to the content programs and the content program groups.

Dependent claims 2 and 3 fail to clarify the above and fall accordingly.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claim 1 is rejected under 35 U.S.C. 101 because:

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Applicants' attention is drawn to the newly available "interim guidelines" with respect to 101/statutory subject matter available at "

www.uspto.gov/web/offices/pac/dapp/opla/preognotice/guidelines101_20051026.pdf".

The following claim analysis is made:

Claim 1:

Analysis:

A system readable and system writeable

Recording medium wherein content is recorded and

From which content is reproduced, said

recording medium comprising:

product

a program area in which

arbitrary designation

a plurality of content programs is recorded

& desired use. All discs have a program

and

area for content(s) to be found

a management area in which

well know toc areas

management information is recorded,

on all discs

the management information including:

first management information

management information

for managing storage of a plurality of program

group name?

names whereby a given one of the plurality

of program names

corresponds to a particular one of the

plurality of content programs recorded in the

program area;

second management information

abstract idea/ information/

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using first and second special codes

for managing associations between

? how does this manage?

a plurality of content program groups and the plurality of

content programs whereby a given one of the

plurality of content program groups is associated

with a given one of the plurality of content programs

and with a particular one of a plurality of group names,

the first special code

partitioning program numbers corresponding

to the content programs associated with a

respective one of the plurality of content program groups

and the group name associated with that group,

and the second special code partitioning

adjacent ones of the plurality of content program

groups,

at least a portion of the second management information

being changeable so that the associations between the

plurality of content programs and the plurality of content program

group.

In the above analysis, applicants' attention is drawn to the above interim guidelines starting at page 12, and particularly focusing upon pages 14-17, page 22 and finally at 56-57 thereof.

The examiner has interpreted the above claims as being drawn to

a) either an abstract idea – information, or alternatively

b) a compilation of data.

Response to Arguments

Applicant's arguments filed 12/29/06 have been fully considered but they are not persuasive. The claimed subject matter is not drawn to statutory subject matter as analyzed above. No persuasive argument has been presented.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1 is rejected under 35 U.S.C. 103(a) as obvious over JP 10-336579 further considered with and Matsumoto et al.

. 103(a). See MPEP § 706.02(I)(1) and § 706.02(I)(2).

The following analysis is made.

Claim 1:	MAT of JP document
A system readable and system writeable	a system is provided/disclosed
Recording medium wherein content is recorded and	that reads a recording medium
From which content is reproduced, said	for reproducing the contents thereof.
recording medium comprising:	
a program area in which	area inherently present,
a plurality of content programs, is recorded;	area other than the toc
and	
a management area in which management	toc table
information is recorded, the management information	

see paragraph 24 of MAT/ group list/name

program names present
see paragraph 31 of the of
the MAT & secondary ref,

the first special code partitioning program numbers corresponding to the content programs associated with a respective one of the plurality of content program groups and the group name associated with that group, and the second special code partitioning adjacent ones of the plurality of content program groups, at least a portion of the second management information being changeable so that the associations between the plurality of content programs and the plurality of content program groups.

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In the above analysis, the examiner interprets that the primary reference/base reference to the JP document lacks the specific mentioning of information/ special codes for "partitioning" as recited in the above claim.

Nevertheless, as further taught in this environment by Matsumoto, the use/ability of having a plurality of special codes used for partitioning all manners of information are found. See the above description of the "delimiting" ability in Matsumoto et al starting at col. 1, lines 15-39 further describing figure 1 and col 3 lines 5-9. The examiner interprets the Matsumoto et al reference for teaching the ability of having appropriate delimiters (special codes) for designating separate fields of attribute information, i.e., names, artist, music, tracks, etc. – see additionally col. 1 line 48 to col. 2 line 2. The partitioning described in the secondary reference is not limited to non-contiguous attributes.

Response to Arguments

Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection. Whether the placing of the special codes so as to partition information adjacent to each other or not is not of patentable weight, i.e., the secondary reference describes the use of partitioning codes for their inherent ability. Normally, information, group information is adjacent to each other, see for instance the well-known English composition capability of having Chapters and under such a designation, information drawn to those chapters found at the beginning of any book.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 1 as stated in paragraph 4 above, and further in view of Tanaka et al.

With respect to the identification that the content includes audio data, such is not clearly depicted in the base reference.

The secondary reference to Tanaka et al clearly teaches the ability of having audio data associated with, included with image data.

The ability of defining the contents of the program area to include, contain audio information is considered an obvious capability as further taught by the Tanaka et al system.

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6. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 1 as stated above, and further in view of Official notice.

Although not clearly depicted in the base reference, the ability of providing information with respect to the range of contents in this environment is considered to be notoriously old and well known, and Official notice is taken thereof.

It would have been obvious to modify the base system as relied upon above with respect to claim 1 and modify such to include the additional attribute of range information. Furthermore, use of partitioning codes in order to partition such subsequent information such as range values, is obvious over the combined teachings, i.e., partitioning of informational attributes is taught by the secondary reference, and hence partitioning of subsequent attributes such as range values logically follows.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aristotelis M. Psitos whose telephone number is (571) 272-7594. The examiner can normally be reached on M-F: 6:00 - 2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne D. Bost can be reached on (571) 272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Aristotelis M Psitos
Primary Examiner
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